

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/696,127
Filing Date: October 25, 2000
Applicants: Jack M. TARBOX and Philip J. BAKER
Title: WING SPAR MODIFICATION KIT
Group Art Unit: 3641
Examiner: (not yet assigned)

Attorney No.: 00-124

41-4
per 100
10
make
Special
Status
in
spec
RECEIVED

FEB 15 2001

TO 3600 MAIL ROOM



To: Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL — FOR REASONS OF INFRINGEMENT

pursuant to 37 C.F.R. § 1.102(d)

Dear sir:

1. Applicants hereby petition that the above-cited application be granted Special Status. This Petition is accompanied by a check in the amount of \$130.
2. Applicants filed an application for patent on a modification kit which it developed for Lake model amphibious aircraft. The Federal Aviation Administration (FAA) issued a type certificate approving this kit for retrofitting Lake LA-4 and Lake Model 250 aircraft. On January 24, 2001, the FAA issued a Supplemental Type Certificate, approving a modification kit made by JCM Aerodesign Ltd., of Peterborough, Ontario, for retrofitting the same Lake aircraft. This second kit by JCM Aerodesign is identical to the kit developed by Applicants, and is now being sold in the United States.

02/09/2001 AZERBAIJAN 00000035 09586127

00 30122

130.00 SP

3. A rigid comparison of the Airtech modification kit with the kit claimed in the pending application has been made and the two kits are found to be identical. In the opinion of the undersigned, some of the claims are unquestionably infringed.

4. A careful and thorough supplemental search of the prior art was conducted and Examiner Eldred in Art Unit 3644 was consulted regarding the field of search. The following U.S. classes and subclasses were searched:

Class 244 (Aeronautics), subclasses 131, 129.1, 119, and 120.

5. A Supplemental Information Disclosure Statement (PTO-1449) and a copy of each of the references listed in the Information Disclosure Statement are enclosed. These references are as follows.

6. **Khatiblou et al (U.S. Patent 5,735,626; 1998)** discloses a thrusting rail-joint assembly for joining and rapidly separating two host structures. The assembly comprises an outer rail segment attached to a first fairing, and an inner rail segment attached to a second fairing. A doubler is attached by a single bolt to each outer side of the inner rail segment. The doubler functions as a biasing spring that urges protrusions on the outer rail segment into recesses on the inner rail segment. See Figs. 1 and 2 and Col. 3, line 60 to Col. 4, line 19.

7. **Hart-Smith (U.S. Patent 5,297,760; 1994)** discloses an aircraft skin lap splice in which the inner skin has fingers that extend inward, away from the edge of the splice, and that are fastened to the outer skin. The fingers absorb some of the stresses applied to the skin. See Figs. 4 to 9 and Col. 4, lines 39 to 58.

8. **Perry et al. (U.S. Patent 4,962,904; 1990)** discloses a transition fitting for a high strength composite panel of an airfoil member. The fitting comprises a shank extending outward from the foam core of an airfoil panel and a profiled web extending into the

foam core.

9. **Piasecki (U.S. Patent 4,624,599; 1986)** discloses a multi-tubular truss joint and method of joining tubes, wherein the end of a tube of greater diameter is fitted over the end of a tube of lesser diameter. Round tubes are flattened into an elongated and flat oval shape. Doubler plates are shaped to the contours of the tubes and are secured to the outer surfaces of the upper and lower halves of the flattened end portions of the tubes. A composite splice plate fits between the endmost portions of the two joined tubes, one plate on the upper, one on the lower flattened portion of the tubes. Riser plates are used to fill in spaces between the splice plate and the tubes. See Figs. 1 and 3; Col. 2, line 43 to Col. 3, line 48.

10. **McWithey et al. (U.S. Patent 4,411,380; 1983)** discloses honeycomb stiffeners for use in fabricating exterior structural panels on aerospace vehicles. Honeycomb material is fastened onto the inner surface of a cap material. The capped honeycomb material is then cut into lengths to serve as stringer-like stiffeners. The open honeycomb side of the stiffener is secured to a sheet of material designed to form the skin layer. See Col. 2, lines 6 to 14 and Fig. 6.

11. **Ryan et al. (U.S. Patent 3,827,661; 1974)** discloses an aircraft wing structure. The top skin of the aircraft wing is rolled to form a leading edge. A doubler is riveted to the underside of the leading edge as a means of reinforcing the leading edge. The doubler has a short upwardly extending front face and a rearwardly extending flange portion for attaching it to the underside of the leading edge.

12. **Lugan and Surcin (U.S. Patent 3,499,622; 1970)** discloses a junction between the fuselage and the wings of an aircraft. A reinforcing member and an angled member are clamped to a fillet panel and a reinforcing rib, respectively. The angled member is also riveted to the structure of the aircraft wing. See Col. 2, lines 34 to 57, and Figs. 1 and 2.

13. Two prior art references were cited in the Information Disclosure Sheet (PTO-1449) filed with the application on October 25, 2000. These references, **Cox (U.S. Patent 4,984,347)** and **Welch et al. (U.S. Patent 5,975,237)**, were discussed in the application and require no further discussion here.

14. Applicant believes that this Petition complies with MPEP § 708.02 II Infringement and therefore requests that this petition to make special be granted and the application be advanced out of order for examination.

Respectfully submitted,



Patricia M. Mathers
Patricia M. Mathers
Attorney for Applicants
Reg. No. 44,906
371 Fore Street
Portland, ME 04101
(207) 773-3132

February 6, 2001

Enclosed:
IDS (PTO-1449), dated Feb. 6, 2001
Check No. 4443

Express Mailed on: 02-06-2001
Mailing Label No.: EL291412446 US